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SENSITIVE
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SUBJECT: GOC RESPONDS TO TIP DESIGNATION

Classified By: CHG Buddy Williams for reasons 1.4 (b) and (d)

1. (C) Summary: MINREX presented us with a diplomatic note (no. 3335, dated July 8) responding to our note that had informed the GOC of the release of the 2009 Trafficking in Persons (TIP) report and Cuba's Tier III designation. While the GOC's 4-page note opens with a typically searing rejection of the 2009 TIP report, it then continues with a comparatively more measured (by GOC standards) listing of the ways the GOC believes the USG erred in reporting the TIP situation in Cuba. In spite of the intemperate tone of the note, USINT views its more focused attention to the issue of trafficking in persons as a positive development. End Summary.

2. (SBU) The Cuban Foreign Ministry (MINREX) presented the following note to USINT on July 9 (informal USINT translation).

"The Ministry of Foreign relations presents its compliments to the honorable Embassy of Switzerland, Section of United States of America Interests in response to the Section's note No. 360 of June 15 2009 through which it reported on the decision to place Cuba once again in Category III of the annual Trafficking in Persons Report of the Department of State.

"The Ministry rejects categorically the contents of this new report from the Department of State that distorts the reality of Cuba for political reasons in a renewed attempt to justify its failed policy of hostility and blockade against Cuba.

"Once again the Government of the United States misses the truth of the real situation. It ignores in an arbitrary fashion the Constitution and current legislation in Cuba that make up the Law of Childhood and Adolescence and the Law of the Family, among other key instruments for the protection of women and children in Cuban society. Moreover, it ignores the modifications introduced to the Criminal Code by Decree Laws 175 of June 17, 1997 and 87 of February 16 1999, which ratified severe punishment in the prosecution of crimes connected with trafficking in persons and (pimping), as well as the traffic and sale of minors, among others. It fails to acknowledge the worldwide recognition of the exemplary performance of Cuba in the promotion and protection of its women and children.

"The Ministry of Foreign Relations wishes to recall that throughout its history Cuba has signed and ratified 10 international agreements related to the theme of trafficking in persons, among the most recent the Convention on the Rights of the Child, ratified by Cuba on August 21 1991; the

Operative Protocol of the Convention on the Rights of the Child concerning the sale of children, child prostitution, and the use of children in pornography, adopted on May 25 2000 and ratified on September 25, 2001; and the United Nations Convention against Transnational Organized crime, signed December 13, 2000 and ratified February 9, 2007.

"The Department of State's report pays no attention to the information provided by Cuba in international fora concerning trafficking in persons, in which the measures taken in confronting, preventing, and combating this scourge are listed. In the same way, it is surprising that the Government of the United States does not even recall that on June 13, 2008, Cuban authorities returned at your request U.S. citizen Leonard B. Auerbach, arrested in Cuba on May 7, 2008, for whom there was an outstanding arrest warrant in the U.S. for the crimes of sexual exploitation of a minor, and transportation and possession of child pornography. In making that decision, the Government of Cuba took into consideration the gravity of those crimes, against which Cuban authorities struggle hard and in collaboration with other countries.

"The Ministry of Foreign Relations sees no value in the report of the Department of State, whose contents constitute a clear and unilateral manipulation of international cooperation in the fight against the scourge of trafficking in persons, besides ignoring the recognized and respected social achievements and guarantees that Cuba offers its citizens, especially its women, children, and elderly, in the areas of health, education, and social security and well being.

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"Likewise, the Ministry refutes the unilateral exercise through which the Government of the United States annually grants itself the illegitimate right to act as judge in evaluating the conduct of others, ignoring its own record on the subject. Instead of trying to lecture Cuba, the Government of the United States ought to concern itself with the grave problems found inside its own borders, where much needs to be done to confront the phenomena of rampant prostitution, sexual exploitation, forced labor, and trafficking in persons.

"To cite only a few examples, according to data published by the United Nations, it is estimated that between 45 thousand and 50 thousand women and children are transported by human traffickers for purposes of sexual exploitation and forced labor in the United States. The number of boys, girls, and teenagers who are victims of sexual exploitation in the United States is even greater, possibly at least 300 thousand. Moreover, the Armed Forces of the United States stationed abroad is one of the principal sources of sexual exploitation in the world.

"Cuba and the world hope that the Government of the United States fulfills its promises of change and, finally, puts an end to the criminal blockade that it maintains against the Cuban people, and leaves behind the disgraceful legacy of the Bush administration, that made campaigns to discredit Cuba like this one a substantial part of its aggressive policy, which is unsustainable and damages the international credibility of the United States.

"Complimentary close"

13. (C) COMMENT: In spite of the harsh tone of the note, USINT sees it as a small step forward on the trafficking in persons issue. Previous reports had prompted the delivery of notes that contained little more than invective and which invariably referred exclusively to alien smuggling rather than trafficking in persons. USINT believes that putting the focus of this year's TIP report on the GOC's absolute lack of transparency on the issue of trafficking in persons, forced

it to address the subject more seriously than in the past. With the GOC it is always more important to judge it by its actions rather than by its rhetoric. It will be interesting to talk to some of our diplomatic colleagues who handle the TIP issue and work more directly with the GOC to gauge whether or not the Cuban government is beginning to change its ways.

WILLIAMS